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General Assembly

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Human Rights Council
Thirty-sixth session
11–29 September 2017
Agenda item 10
Technical assistance and capacity-building

Albania, Angola,* Australia,* Brazil, Canada,* Chile,* Cyprus,* Finland,* France,* Germany, Haiti,* Honduras,* Hungary, Iceland,* Indonesia, Israel,* Italy,* Kenya, Luxembourg,* Malaysia,* Maldives,* Mexico,* Morocco,* Netherlands, Norway,* Panama, Paraguay, Peru,* Philippines, Poland,* Portugal, Qatar, Romania,* Rwanda, Singapore,* Sweden,* Thailand,* the former Yugoslav Republic of Macedonia,* Timor-Leste,* Turkey,* Ukraine:* draft resolution

36/... Enhancement of technical cooperation and capacity-building in the field of human rights

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations, particularly with regard to achieving international cooperation in promoting and encouraging respect for human rights and for fundamental freedoms for all, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Reaffirming the obligation of States under the Charter to promote universal respect for and observance of human rights and fundamental freedoms,

Recalling all relevant international human rights treaties, including the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights,

Recognizing that the enhancement of international cooperation is essential for the effective promotion and protection of human rights, which should be based on the principles of cooperation and genuine dialogue and aimed at strengthening the capacity of States to prevent human rights violations and comply with their human rights obligations for the benefit of all human beings,

Recognizing also the importance of enhancing international support for implementing effective and targeted capacity-building in developing countries to support national plans to implement all the Sustainable Development Goals,

* State not a member of the Human Rights Council

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Recalling General Assembly resolution 70/1 of 25 September 2015 on the 2030 Agenda for Sustainable Development,

Recalling also that the 2030 Agenda is guided by the purposes and principles of the Charter, including full respect for international law, and is grounded in the Universal Declaration of Human Rights and international human rights treaties, that it is informed by other instruments such as the Declaration on the Right to Development, and that it is to be implemented in a manner that is consistent with the rights and obligations of States under international law,

Recognizing that the implementation of the 2030 Agenda must be consistent with a State's obligations under international human rights law,

Bearing in mind the mandate of the Human Rights Council, as stated by the General Assembly in its resolution 60/251 of 15 March 2006, to promote advisory services, technical assistance and capacity-building, to be provided in consultation with and with the consent of States concerned, and the provisions of Council resolutions 5/1 and 5/2 of 18 June 2007 and 16/21 of 25 March 2011 that aim to enable the Council to fulfil such a mandate,

Recalling all relevant resolutions of the Human Rights Council on the enhancement of technical cooperation and capacity-building in the field of human rights,

Noting the important role that technical cooperation and capacity-building can play in building States' capacities to implement the Sustainable Development Goals in a way that is consistent with their respective obligations under international human rights law,

Recognizing the positive role of capacity-building in the field of human rights in supporting States in their implementation of the 2030 Agenda for Sustainable Development,

Reiterating that one of the responsibilities of the United Nations High Commissioner for Human Rights and the Office of the High Commissioner is to provide advisory services and technical and financial assistance, at the request of the State concerned, with a view to supporting actions and programmes in the field of human rights, and to coordinate activities to promote and protect human rights throughout the United Nations system in accordance with the mandate of the Office,

Acknowledging the role and impact of the activities of the relevant agencies of the United Nations and international and regional organizations, and the contribution of civil society organizations in providing States with technical support and assistance on the basis of needs and requests of States concerned in the implementation of their human rights obligations and their voluntary pledges and commitments, as well as accepted universal periodic review recommendations,

Noting with appreciation the contributions of international human rights bodies and mechanisms, including international human rights treaty bodies, the Human Rights Council and its subsidiary bodies, such as the special procedures and the universal periodic review, in promoting the implementation of the 2030 Agenda in accordance with States' human rights obligations,

Welcoming the efforts of the United Nations human rights bodies and mechanisms, the United Nations development system and relevant United Nations agencies and country teams to align capacity-building efforts with the needs and national circumstances of States, including to strengthen policy coherence, where applicable, in the implementation of States' respective obligations under international human rights law and in their implementation of the Sustainable Development Goals,

Appreciating the important role of the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights, the Voluntary Trust Fund for Participation in the Universal Periodic Review, the Voluntary Technical Assistance Trust Fund to Support the Participation of Least Developed Countries and Small Island Developing States in the Work of the Human Rights Council and the Voluntary Trust Fund for Financial and Technical Assistance for the Implementation of the Universal Periodic Review in assisting States and developing their national capacities to promote the effective implementation of their human rights obligations and accepted universal periodic review recommendations, which have contributed to tangible improvements in the situation of human rights on the ground,

Noting with appreciation the contributions of the Board of Trustees of the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights and of the Voluntary Trust Fund for Financial and Technical Assistance for the Implementation of the Universal Periodic Review through their annual reports to the Human Rights Council, in particular on the components of technical cooperation and the identification of good practices,

1. *Emphasizes* that the general debate under agenda item 10 is an essential platform for Members and observers of the Human Rights Council to share their visions and views to promote more effective technical cooperation and capacity-building in the field of human rights, and to share concrete experiences, challenges and information on assistance needed in the implementation of their human rights obligations and voluntary pledges and commitments, and of accepted universal periodic review recommendations, and their achievements and good practices in this area, including those that promote synergy and policy coherence between the promotion and protection of human rights and the realization of the 2030 Agenda for Sustainable Development;

2. *Reiterates* that technical cooperation and capacity-building in the field of human rights continue to be based on consultations with and the consent of the States concerned, and should take into account their needs, and the fact that all human rights are universal, indivisible, interdependent and interrelated and aim to make a concrete impact on the ground;

3. *Underscores* the need to strengthen international, regional and bilateral cooperation and dialogue in the promotion and protection of human rights;

4. *Acknowledges* that the promotion and protection of human rights and the 2030 Agenda are complementary and mutually reinforcing;

5. *Reaffirms* that technical cooperation should remain an inclusive exercise that engages and involves all national stakeholders, including government agencies, national human rights institutions and civil society;

6. *Also reaffirms* the ongoing need for enhanced voluntary contributions to the relevant United Nations funds to support technical assistance and capacity-building, particularly the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights, the Voluntary Trust Fund for Participation in the Universal Periodic Review, the Voluntary Trust Fund for Financial and Technical Assistance for the Implementation of the Universal Periodic Review and the Voluntary Technical Assistance Trust Fund to Support the Participation of Least Developed Countries and Small Island Developing States in the Work of the Human Rights Council, and encourages States to continue to make contributions to these funds, especially those who have not yet done so;

7. *Invites* the United Nations High Commissioner for Human Rights to make his next annual oral presentation, under agenda item 10, on the overview of and successes, best practices and challenges in technical assistance and capacity-building efforts, particularly

those provided by the Office of the High Commissioner and relevant United Nations agencies, to the Human Rights Council at its thirty-seventh session, and subsequently on an annual basis at the March session of the Council, and encourages the High Commissioner to highlight the contribution of human rights technical cooperation and capacity-building to the attainment of the Sustainable Development Goals;

8. *Invites* the Chair of the Board of Trustees of the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights to present the next comprehensive report on the Board's work to the Human Rights Council at its thirty-seventh session, and subsequently on an annual basis at the March session of the Council, and encourages the chairs of the boards of trustees of other funds administered by the Office of the High Commissioner to support activities in the area of technical assistance and capacity-building to make a presentation at the same session;

9. *Welcomes* the panel discussion held pursuant to Human Rights Council resolution 33/28 under agenda item 10 at the thirty-fifth session of the Council on the theme "A decade of technical cooperation and capacity-building in the Human Rights Council: challenges and the way forward", at which participants stressed the need to reinvigorate the debates and actions under agenda item 10 and to make them more responsive to the needs of States, in accordance with its original intent and the principles of the Council, underlines the role that technical cooperation and capacity-building can play in preventing human rights violations and in enhancing the credibility and effectiveness of the Council, while underscoring also the importance of further strengthening policy coherence across the United Nations system in the delivery of technical assistance pertaining to human rights and the Sustainable Development Goals, with a view to maximizing its impact on the ground;

10. *Decides*, in accordance with paragraphs 3 and 4 of its resolution 18/18 of 29 September 2011, that the theme for the annual thematic panel discussion under agenda item 10 to be held during its thirty-eighth session will be "Human rights and the Sustainable Development Goals: enhancing human rights technical cooperation and capacity-building to contribute to the effective and inclusive implementation of the 2030 Agenda for Sustainable Development";

11. *Requests* the Office of the High Commissioner to prepare a report on how United Nations human rights bodies and mechanisms, including the Human Rights Council, the universal periodic review, the special procedures and the treaty bodies, and United Nations country teams and agencies, through effective, coherent and coordinated technical assistance and capacity-building in the promotion and protection of human rights can support States in the realization of the 2030 Agenda, including, inter alia, by highlighting practical steps and concrete examples that seek to promote policy synergy and coherence, use of technology and innovation, and the strengthening of the capacity of national statistical offices and data systems related to human rights where applicable, as well as ways to enhance national implementation, reporting and follow-up, taking into account the different constraints and needs of States, and to submit the report to the Council at its thirty-eighth session to serve as a basis for the thematic panel discussion;

12. *Also requests* the Office of the High Commissioner to consult with States, the United Nations development system, relevant United Nations bodies, agencies and country teams, relevant special procedures and other stakeholders, including, where applicable, those involved in technical cooperation projects that demonstrate best practices, constructive engagement and positive impact on the ground with a view to ensuring their participation in the thematic panel discussion;

13. *Calls upon* States, relevant international organizations, intergovernmental bodies and civil society to make use of the ideas and issues raised in the annual panel discussion under agenda item 10 during its thirty-eighth session to enhance the efficiency,

effectiveness and policy coherence of technical cooperation and capacity-building efforts undertaken by the Office of the High Commissioner and United Nations country teams and agencies in improving States' national capacities to promote and protect human rights and support the implementation of the Sustainable Development Goals.

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Human Rights Council
Thirty-sixth session
11–29 September 2017
Agenda item 5
Human rights bodies and mechanisms

Angola,* Bangladesh, Bolivia (Plurinational State of), Congo, Cuba, Ecuador, Egypt, Ethiopia, Ghana, Haiti,* India, Kenya, Panama, Paraguay, Philippines, South Africa, Switzerland, Venezuela (Bolivarian Republic of), State of Palestine:* draft resolution

36/... Promotion and protection of the human rights of peasants and other people working in rural areas

The Human Rights Council,

Recalling the Universal Declaration of Human Rights,

Determined to foster strict respect for the purposes and principles enshrined in the Charter of the United Nations,

Recalling the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights,

Recalling also the Vienna Declaration and Programme of Action and all other relevant human rights instruments,

Recalling further Human Rights Council resolutions 13/4 of 24 March 2010, 16/27 of 25 March 2011 and 19/7 of 22 March 2012 on the right to food, and in particular Council resolutions 21/19 of 27 September 2012, 26/26 of 27 June 2014 and 30/13 of 1 October 2015 on the promotion and protection of the human rights of peasants and other people working in rural areas,

Underlining the imperative need to achieve the unfinished agenda of the Millennium Development Goals in order to contribute to making the right to development a reality for everyone, and welcoming the 2030 Agenda for Sustainable Development,

Welcoming General Assembly resolution 66/222 of 22 December 2011, in which the Assembly declared 2014 the International Year of Family Farming, and welcoming also its resolution 68/232 of 20 December 2013, in which the Assembly declared 2015 the International Year of Soils, and its resolution 68/231 of 20 December 2013, in which it declared 2016 the International Year of Pulses,

* State not a member of the Human Rights Council.

Taking note of general recommendation No. 34 (2016) on the rights of rural women, adopted by the Committee on the Elimination of Discrimination against Women in March 2016,

Recognizing the important contribution of peasants and other people working in rural areas to the fight against hunger and the preservation and improvement of biodiversity, among others, and the need to respect, promote, protect and fulfil their human rights,

Gravely concerned that hunger, like poverty, is still predominantly a rural problem, and that in the rural population it is those who produce food who suffer disproportionately, and alarmed that 75 per cent of people suffering from hunger live in rural areas, particularly in developing countries, and 50 per cent are small-scale and traditional farm holders, as well as subsistence farmers, and that they are especially vulnerable to food insecurity, malnutrition, discrimination and exploitation,

Recognizing that livelihoods in rural areas are disproportionately affected by poverty, climate change, lack of development and lack of access to scientific progress,

Recognizing also that peasants and other people working in rural areas are often disproportionally affected by the adverse impact of business activities,

Convinced of the need to strengthen the protection and realization of the human rights of peasants and other people working in rural areas,

Welcoming the reports of the open-ended intergovernmental working group on a United Nations declaration on the rights of peasants and other people working in rural areas on its third and fourth sessions,[1] held from 17 to 20 May 2016, and from 15 to 19 May 2017, respectively, pursuant to Human Rights Council resolutions 21/19, 26/26 and 30/13, and welcoming the constructive negotiation, broad participation and active engagement of Governments, regional and political groups, civil society, experts, international organizations and intergovernmental organizations and relevant stakeholders, particularly representatives of peasants and other people working in rural areas,

Bearing in mind the development of this issue,

1. *Decides* that the working group shall hold its fifth annual session for five working days before the thirty-eighth session of the Human Rights Council, in accordance with its mandate, to negotiate, finalize and submit to the Council a draft United Nations declaration on the rights of peasants and other people working in rural areas;

2. *Also decides* that the updated version of the draft declaration that will be presented by the Chair-Rapporteur of the working group at its fifth session, taking into consideration the report of the Chair-Rapporteur on the fourth session, as well as the version of the draft declaration resulting from the fifth session, will be translated into all official languages of the United Nations;

3. *Requests* the Chair-Rapporteur of the working group to conduct informal consultations during the intersessional periods, as appropriate, with Governments, relevant special procedures of the Human Rights Council, regional groups, intergovernmental organizations, United Nations mechanisms, civil society and representatives of peasants and other people working in rural areas, as well as with other relevant stakeholders and other relevant specialized agencies of the United Nations system;

[1] A/HRC/33/59 and A/HRC/36/58.

4. *Requests* the Office of the United Nations High Commissioner for Human Rights to ensure the participation in the fifth session of the working group of up to five expert panellists, including representatives of peasants and other people working in rural areas, civil society and grass-roots organizations from developing countries, in order to contribute to the analysis and interactive dialogues;

5. *Requests* the Secretariat to provide the working group with the human, technical and financial assistance necessary for it to fulfil its mandate, including by providing interpretation for one informal intersessional consultation, and a webcast for the fifth session of the working group;

6. *Invites* States, civil society and all relevant stakeholders, in particular representatives of peasants and other people working in rural areas, to contribute actively and constructively to the work of the working group;

7. *Requests* the working group to submit an annual report on progress made to the Human Rights Council and the General Assembly for their consideration.

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Human Rights Council
Thirty-sixth session
11–29 September 2017
Agenda item 10
Technical assistance and capacity-building

Australia,* Belgium, Bolivia (Plurinational State of), Brazil, Bulgaria,* Chile,* Colombia,* Cyprus,* Denmark,* Ecuador, France,* Georgia, Germany, Haiti,* Honduras,* Italy,* Luxembourg,* Mexico,* Panama, Paraguay, Peru,* Portugal, Republic of Korea, Romania,* Slovenia, Spain,* Thailand,* the former Yugoslav Republic of Macedonia,* Turkey,* United States of America, Uruguay:* draft resolution

36/... Promoting international cooperation to support national human rights follow-up systems, processes and related mechanisms, and their contribution to the implementation of the 2030 Agenda for Sustainable Development

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Recalling General Assembly resolutions 48/141 of 20 December 1993, 60/251 of 15 March 2006 and 65/281 of 17 June 2011 and Human Rights Council resolutions 5/1 of 18 June 2007, 16/21 of 25 March 2011 and 30/25 of 2 October 2015,

Recalling also General Assembly resolution 70/1 of 25 September 2015, in which the Assembly adopted the 2030 Agenda for Sustainable Development,

Recognizing that the 2030 Agenda and its Goals and targets are integrated and indivisible, balance the three dimensions of sustainable development and seek to realize all human rights of all,

Reaffirming its commitment to the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights in Vienna on 25 June 1993,

Emphasizing the responsibilities of all States, in conformity with the Charter of the United Nations, to respect, protect and promote human rights and fundamental freedoms for all, without distinction of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth, disability or other status,

* State not a member of the Human Rights Council.

Recalling that one of the purposes of the United Nations enshrined in the Charter is to achieve international cooperation in promoting and encouraging respect for human rights,

Recognizing that the enhancement of international cooperation in the field of human rights is essential for the full achievement of the purposes of the United Nations, including the effective promotion and protection of all human rights,

Considering that international cooperation, in conformity with the purposes and principles set out in the Charter and international law, provide an effective and practical contribution to preventing violations of human rights and fundamental freedoms,

Affirming that technical cooperation, provided in consultation with and with the consent of the State concerned, should be an inclusive exercise that engages and involves all national stakeholders, including government agencies, national human rights institutions and civil society, at all stages,

Recognizing the important, valuable and mutually reinforcing role and contribution of all human rights mechanisms from the international and regional human rights systems for the promotion and protection of human rights and fundamental freedoms,

Reiterating the importance and added value of technical assistance and capacity-building provided in consultation with, and with the consent of the States concerned, to ensure follow-up to and the effective implementation of their respective international human rights obligations and commitments,

Recognizing that the promotion and protection of human rights should be based on the principles of cooperation and genuine dialogue in all relevant forums, including in the context of the universal periodic review, and be aimed at strengthening the capacity of States to implement their respective human rights obligations and commitments,

Recognizing also the important and constructive role played by parliaments, national human rights institutions, civil society and other relevant stakeholders in the universal periodic review mechanism, and encouraging their continued and unhindered participation in and contribution to national human rights follow-up systems and processes,

Recognizing further that States, with the support from the United Nations system, have increasingly adopted comprehensive and permanent approaches to reporting to the international human rights system and to implementing recommendations through, for instance, the establishment or strengthening of national human rights follow-up systems and processes, including, as appropriate, national mechanisms for reporting and follow-up,

Underlining that such mechanisms can facilitate the task of clustering and prioritizing recommendations and of mainstreaming them into national human rights action plans, policies and working programmes, as appropriate, thus contributing to preventing the recurrence of human rights violations,

Affirming that this holistic approach to all human rights recommendations can contribute to a better alignment of human rights and sustainable development efforts at the national level,

Acknowledging the important work of the Office of the United Nations High Commissioner for Human Rights in continuously updating the Universal Human Rights Index, clustering human rights recommendations and developing methodologies to identify, where applicable, synergies among human rights recommendations and the Sustainable Development Goals,

Noting that the 2030 Agenda is guided by the purposes and principles of the Charter, including full respect for international law, that it is grounded in the Universal Declaration

of Human Rights, international human rights treaties, the Millennium Declaration and the 2005 World Summit Outcome, that it is informed by other instruments, such as the Declaration on the Right to Development, and that it is to be implemented in a manner that is consistent with the rights and obligations of States under international law,

Welcoming the technical assistance and capacity-building provided by the Office of the High Commissioner and by the United Nations Development Programme, through United Nations Resident Coordinators and United Nations country teams, in consultation with, and with the consent of, the State concerned, particularly with a view to supporting the establishment or the strengthening of national human rights follow-up systems and processes, including, as appropriate, national mechanisms for reporting and follow-up,

Recalling Human Rights Council resolution 6/17 of 28 September 2008, in which the Council requested the Secretary-General to establish a universal periodic review voluntary trust fund to facilitate the participation of developing countries, particularly least developing countries, in the universal periodic review mechanism, and to establish the voluntary fund for financial and technical assistance, to be administered jointly with the universal periodic review voluntary trust fund, in order to provide, in conjunction with multilateral funding mechanisms, a source of financial and technical assistance to help countries to implement recommendations emanating from the universal periodic review in consultation with, and with the consent of, the country concerned,

Also recalling the beginning of the third universal periodic review cycle, during which all States Members of the United Nations will undergo a review of their fulfilment of their human rights obligations and commitments,

Considering the third cycle of the universal periodic review as an opportunity to strengthen the engagement of all States in the follow-up and implementation of human rights recommendations, including through the provision of technical assistance and capacity-building, provided upon request and with the consent of the State concerned,

Reaffirming the importance of strengthening the relevance and impact of human rights recommendations by providing technical assistance and capacity building for their implementation, upon request and with the consent of the State concerned, including through the establishment or strengthening of national human rights mechanisms for reporting and follow-up, in collaboration with United Nations country teams,

1. *Welcomes* the holding of the panel discussion on promoting international cooperation to support national follow-up systems and processes, held on 9 November 2016, during the twenty-sixth session of the Working Group on the Universal Periodic Review, and the summary report thereon, submitted by the United Nations High Commissioner for Human Rights to the Human Rights Council at its thirty-fourth session;[1]

2. *Encourages* States to establish or strengthen national human rights follow-up systems and processes, including, as appropriate, national mechanisms on reporting and follow-up, to seek, as needed, technical assistance and capacity-building, and to share experiences and good practices to that end;

3. *Encourages* States and other relevant stakeholders to promote technical assistance and capacity-building, upon the request of, and in accordance with the priorities set by, the States concerned, aimed at sharing experiences and good practices in the follow-up to international human rights recommendations;

[1] A/HRC/34/24.

4. *Requests* the United Nations High Commissioner for Human Rights to continue to provide technical assistance and capacity-building, upon the request of, and in accordance with the priorities set by, the States concerned, on the establishment or the strengthening of national human rights follow-up systems and processes, including, as appropriate, of national mechanisms for reporting and follow-up;

5. *Invites* States to gradually increase their voluntary contributions to the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights, the Voluntary Fund for Financial and Technical Assistance for the Implementation of the Universal Periodic Review and other relevant trust funds, in order to enable States, upon request and in accordance with their priorities, to establish or strengthen their respective national human rights follow-up systems and processes, including, as appropriate, their national mechanisms for reporting and follow-up;

6. *Recognizes* that national human rights mechanisms for reporting and follow-up could make a contribution to the implementation of the Sustainable Development Goals by strengthening the capacity of States to assess needs, set priorities and implement measures that effectively promote and protect, including on a preventive basis, the human rights of all persons, especially those living in vulnerable situations, thus leaving no one behind;

7. *Also recognizes* the importance of strengthening capacities and building synergies at the national level for the implementation of the Sustainable Development Goals, with due consideration given to human rights recommendations and standards;

8. *Requests* the Office of the High Commissioner to continue to compile, assess and raise awareness of good practices, challenges and lessons learned on the potential contribution of national human rights follow-up systems and processes, including, as appropriate, of national mechanisms for reporting and follow-up, to the implementation of human rights recommendations and, where applicable, to the achievement of the Sustainable Development Goals, building on the activities undertaken in the field of national policies and human rights and on the enhancement of technical assistance and capacity-building programmes;

9. *Decides* to remain seized of the matter.

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Human Rights Council
Thirty-sixth session
11–29 September 2017
Agenda item 4
Human rights situations that require the Council's attention

Afghanistan,* Albania, Andorra,* Australia,* Austria,* Bangladesh, Belgium, Bosnia and Herzegovina,* Bulgaria,* Canada,* Costa Rica,* Croatia, Cyprus,* Czechia,* Denmark,* Estonia,* Finland,* France,* Germany, Greece,* Hungary, Iceland,* Ireland,* Italy,* Latvia, Liechtenstein,* Lithuania,* Luxembourg,* Malta,* Montenegro,* Netherlands, Norway,* Poland,* Portugal, Romania,* Slovakia,* Slovenia, Spain,* Sweden,* United Kingdom of Great Britain and Northern Ireland, United States of America: draft decision

36/... Extension of the mandate of the independent international fact-finding mission on Myanmar

At its ... meeting, on ... September 2017, the Human Rights Council decided to adopt the text below:

"*The Human Rights Council,*

Recalling its resolution 34/22 of 24 March 2017, in which the Human Rights Council mandated the independent international fact-finding mission to establish the facts and circumstances of the alleged recent human rights violations by military and security forces, and abuses, in Myanmar,

Noting the concerns expressed by the Secretary-General and the United Nations High Commissioner for Human Rights,

Expressing grave concern at the recent reports of serious human rights violations and abuses in Myanmar, in particular in Rakhine State, and calling for an end to such violations and abuses,

Calling for full and unhindered humanitarian access, and for the prompt, safe and voluntary return of all refugees and displaced persons,

Encouraging again the Government of Myanmar to cooperate fully with the fact-finding mission, and stressing the need to grant it full, unrestricted and unmonitored access to all areas and interlocutors,

* State not a member of the Human Rights Council.

Taking into account the delays in its operationalization and the significant additional workload created since the adoption of resolution 34/22,

1. *Decides* to extend the mandate of the independent international fact-finding mission, and to request it to present an oral update, to be followed by an interactive dialogue with the Human Rights Council at its thirty-seventh session, to submit its final report for consideration by the Council at its thirty-ninth session, to be followed by an interactive dialogue, and to present that report also to the General Assembly at its seventy-third session;

2. *Requests* the Secretary-General and United Nations High Commissioner for Human Rights to provide the fact-finding mission with the assistance, resources and expertise necessary to fulfil its mandate."

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Human Rights Council
Thirty-sixth session
11–29 September 2017
Agenda item 4
Human rights situations that require the Council's attention

Afghanistan,* Albania, Andorra,* Australia,* Austria,* Azerbaijan,* Bangladesh, Belgium, Bosnia and Herzegovina,* Bulgaria,* Canada,* Costa Rica,* Croatia, Cyprus,* Czechia,* Denmark,* Estonia,* Finland,* France,* Germany, Greece,* Hungary, Iceland,* Ireland,* Italy,* Latvia, Liechtenstein,* Lithuania,* Luxembourg,* Malta,* Monaco,* Montenegro,* Netherlands, Norway,* Poland,* Portugal, Romania,* Slovakia,* Slovenia, Spain,* Sweden,* Turkey,* United Kingdom of Great Britain and Northern Ireland, United States of America: draft decision

36/... Extension of the mandate of the independent international fact-finding mission on Myanmar

At its ... meeting, on ... September 2017, the Human Rights Council decided to adopt the text below:

"*The Human Rights Council,*

Recalling its resolution 34/22 of 24 March 2017, in which the Human Rights Council mandated the independent international fact-finding mission to establish the facts and circumstances of the alleged recent human rights violations by military and security forces, and abuses, in Myanmar,

Noting the concerns expressed by the Secretary-General and the United Nations High Commissioner for Human Rights,

Expressing grave concern at the recent reports of serious human rights violations and abuses in Myanmar, in particular in Rakhine State, and calling for an end to the violence,

Calling for full and unhindered humanitarian access, and for the prompt, safe and voluntary return of all refugees and displaced persons,

* State not a member of the Human Rights Council.

Reiterating its encouragement to the Government of Myanmar to cooperate fully with the fact-finding mission, and stressing the need to grant it full, unrestricted and unmonitored access to all areas and interlocutors,

Taking into account the delays in its operationalization and the significant additional workload created since the adoption of resolution 34/22,

1. *Decides* to extend the mandate of the independent international fact-finding mission, and to request it to present an oral update, to be followed by an interactive dialogue with the Human Rights Council at its thirty-seventh session, to submit its final report for consideration by the Council at its thirty-ninth session, to be followed by an interactive dialogue, and to present that report also to the General Assembly at its seventy-third session;

2. *Requests* the Secretary-General and United Nations High Commissioner for Human Rights to provide the fact-finding mission with the assistance, resources and expertise necessary to fulfil its mandate."

United Nations A/HRC/36/L.32*

General Assembly

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Human Rights Council
Thirty-sixth session
11-29 September 2017
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Côte d'Ivoire, France, Tunisia,† Ukraine**: draft resolution**

36/... Mandate of the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes

The Human Rights Council,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Vienna Declaration and Programme of Action and the Declaration on the Right to Development,

Bearing in mind paragraph 6 of General Assembly resolution 60/251 of 15 March 2006,

Recalling its resolutions 5/1 on institution-building of the Human Rights Council and 5/2 on the Code of Conduct for Special Procedures Mandate Holders of the Council of 18 June 2007, and emphasizing that the mandate holder is to discharge his or her duties in accordance with those resolutions and the annexes thereto,

Recalling also its resolutions 27/23 of 26 September 2014, 21/17 of 27 September 2012, 18/11 of 29 September 2011 and 9/1 of 24 September 2008 and all the resolutions of the Commission on Human Rights on this subject,

Further recalling General Assembly resolution 70/1 and welcoming the adoption of the 2030 Agenda for Sustainable Development, including Goal 12, target 4, thereof, to achieve, by 2020, the environmentally sound management of chemicals and hazardous wastes throughout their life cycle, in accordance with international standards, and affirming the interlinkages and integrated nature of all the Sustainable Development Goals,

* Reissued for technical reasons on 26 September 2017.
** State not a member of the Human Rights Council.
† On behalf of States Members of the United Nations that are members of the Group of African States.

1. *Welcomes* the work of the Special Rapporteur in accordance with his mandate and takes note of his report on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes, which was submitted to the Council at its thirty-sixth session;[1]

2. *Takes note* of the report, and of the guide prepared by the Special Rapporteur, and requests the Special Rapporteur, in accordance with his mandate, to continue to provide detailed, up-to-date information on the adverse consequences that the improper management and disposal of hazardous substances and wastes may have in terms of the full enjoyment of human rights;

3. *Decides* to extend the mandate of the Special Rapporteur for a period of three years and invites him to report to the Council in accordance with its programme of work, and annually to the General Assembly;

4. *Encourages* the Special Rapporteur to continue his close cooperation with the United Nations Environment Programme, relevant United Nations specialized agencies, such as the World Health Organization and the International Labour Organization, and the secretariats of the international environmental conventions with a view to mainstreaming human rights into their work and to avoiding duplication;

5. *Urges* the Special Rapporteur to continue his consultations with the competent United Nations agencies and bodies and with the secretariats of the relevant international conventions as part of a multidisciplinary, in-depth approach for addressing existing problems with a view to finding lasting solutions for the management of such substances and wastes so that he may present to the Council, in accordance with its programme, annual reports on the implementation of the resolutions that it has adopted, as well as specific recommendations and proposals concerning the steps that should be taken immediately in order to address the adverse implications for human rights of hazardous substances and wastes;

6. *Encourages* all States, United Nations agencies and other relevant international organizations, civil society actors, including non-governmental organizations, as well as the public and the private sector and all other relevant stakeholders to engage in a process of consultation, dialogue and cooperation with the Special Rapporteur to enable him to update the guide to good practices to promote the full enjoyment of human rights by the environmentally sound management and disposal of hazardous substances and wastes, by the end of his mandate;

7. *Requests* the Special Rapporteur to inform States, United Nations agencies and other relevant international organizations, civil society and other stakeholders of the impact on human rights of the environmentally sound management and disposal of hazardous substances and wastes, including in implementation of the 2030 Agenda for Sustainable Development, to seek views and contributions from Governments, United Nations agencies and other relevant international organizations, civil society and other relevant stakeholders in accordance with his mandate, and to investigate national, regional and international efforts in respect of the Sustainable Development Goals and undertake thematic research on the effective implementation of the 2030 Agenda;

8. *Encourages* the Special Rapporteur, in accordance with his mandate and with the support and assistance of the Office of the High Commissioner, to continue to provide Governments with appropriate opportunities to respond to allegations that are transmitted to him and are referred to in his report and to have their observations reflected in his report to the Council;

9. *Reiterates* its appeal to States and other stakeholders to facilitate the work of the Special Rapporteur by providing him with information and inviting him to undertake country visits;

[1] A/HRC/36/41.

10. *Also reiterates* its appeal to the Secretary-General and to the High Commissioner to provide the Special Rapporteur with all necessary assistance in connection with the successful fulfilment of his mandate;

11. *Decides* to continue its consideration of this matter under the same agenda item in accordance with its programme of work.

United Nations A/HRC/36/L.33

General Assembly

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Human Rights Council
Thirty-sixth session
11-29 September 2017
Agenda item 2
Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General

Tunisia:* draft resolution

36/... Technical assistance and capacity-building to improve the situation of human rights in Burundi

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Recalling the Universal Declaration of Human Rights, the International Covenants on Human Rights and other relevant international human rights instruments,

Recalling also General Assembly resolution 60/251 of 15 March 2006 and Human Rights Council resolutions 5/1 and 5/2 of 18 June 2007,

Recalling further its resolutions 30/27 of 2 October 2015, S-24/1 of 17 December 2015 and 33/24 of 30 September 2016,

Reaffirming that States have the primary responsibility for the promotion and protection of all human rights and fundamental freedoms,

Stressing the primary responsibility of the Government of Burundi for ensuring security in its territory and protecting its population, conducting inquiries into human rights violations and bringing those responsible for such violations to justice, with respect for the rule of law, human rights and international humanitarian law, as applicable,

Reaffirming its strong commitment to the sovereignty, political independence, territorial integrity and unity of Burundi,

Reaffirming also the Arusha Peace and Reconciliation Agreement for Burundi, which has been the basis for the Constitution of Burundi and provides the foundation for peacebuilding, national reconciliation and the strengthening of democracy and the rule of law,

Bearing in mind that the international community, including the Human Rights Council, can play an important role in preventing human rights violations and abuses and mitigating the risk of escalation of conflicts,

* On behalf of the States Members of the United Nations that are members of the Group of African States.

Mindful of the importance of the prevention of human rights violations and abuses in Burundi, especially in the context of past mass atrocities in the region,

Welcoming the launch of the inter-Burundian dialogue process and the progress achieved, in a genuine and open manner, based on respect for the Constitution and Arusha Agreement, and welcoming the political dialogue for Burundi under the auspices of the Facilitator of the East African Community, the former President of the United Republic of Tanzania, Benjamin William Mkapa, and under the mediation of the President of Uganda, Yoweri Museveni, and the report of the Facilitator adopted on 20 May 2017 in Dar es Salaam at the Summit of Heads of State of the East African Community,

Noting with appreciation the efforts made by the international community to find a peaceful solution to the crisis facing Burundi, including those of the United Nations, the African Union and the East African Community, and the improvement of the political and security situation in Burundi,

Noting with interest the efforts of the Government of Burundi to combat impunity and strengthen the rule of law, including the adoption of the law on combating gender-based violence and the law on the protection of victims and witnesses, the establishment of the National Observatory for the Prevention and Eradication of the Crime of Genocide, War Crimes and Crimes against Humanity and the National Council for National Unity and Reconciliation, and the reform of the security and justice sector in accordance with the Arusha Agreement,

Commending the assistance for the return of refugees provided by host countries and the Office of the United Nations High Commissioner for Refugees,

Taking note of the report of the Secretary-General on Burundi of 23 February 2017,[1]

Deploring the suspension of cooperation between the Government of Burundi and the United Nations High Commissioner for Human Rights, and calling upon the Government to accelerate the ongoing process of dialogue with a view to resuming such cooperation in an environment of mutual trust,

Taking note of the work of the Commission of Inquiry on Burundi and its report,[2] and expressing its concern about the lack of cooperation between the Government of Burundi and the Commission, including the denial of entry into the territory,

Reaffirming the commitment of the States members of the Human Rights Council to cooperate with international human rights mechanisms,

1. *Expresses its concern* over the continuing challenges regarding the situation of human rights in Burundi, including economic, social and cultural rights;

2. *Strongly condemns* all human rights violations and abuses committed in Burundi, whoever the perpetrators may be;

3. *Takes note* of the allegations that a significant number of violations and abuses were committed by the Burundian security forces, including the national intelligence service and the Imbonerakure, and calls upon the Government of Burundi to continue and intensify its efforts to combat impunity by conducting thorough, independent and impartial investigations of alleged perpetrators of such violations and abuses;

4. *Expresses concern* over the deregistration and suspension of a number of civil society organizations in Burundi and the working conditions of Burundian human rights defenders, some of whom are in exile;

5. *Urges* the Government of Burundi to put an immediate end to human rights violations and abuses, including arbitrary detention and restrictions on the work of human rights defenders and the media, and calls upon them to work in accordance with the law;

[1] S/2017/165.
[2] A/HRC/36/54.

6. *Strongly condemns* all public statements and slogans coming from inside or outside the country that incite violence or hatred towards different groups in Burundian society;

7. *Welcomes* the public condemnation of such slogans by officers of the Conseil national pour la défense de la démocratie – Forces pour la défense de la démocratie, and calls upon the Government of Burundi and other parties to refrain from any statements or actions that could exacerbate tensions and incite violence, including gender-based violence, publicly condemn such statements and actions and ensure that all those responsible are held accountable in order to take into account the best interests of the country and to respect fully the letter and spirit of the Constitution of Burundi and the Arusha Agreement, a backbone for peace and democracy;

8. *Calls upon* the Government of Burundi to safeguard and protect the population, with full respect for international law, to respect, protect and guarantee all human rights and fundamental freedoms for all, in accordance with the State's international obligations, to adhere to the rule of law and to undertake transparent accountability for acts of violence;

9. *Calls anew upon* the Burundian authorities to conduct thorough and independent investigations of crimes involving serious violations and abuses of human rights so that all perpetrators, regardless of their affiliation, are held accountable before the law;

10. *Notes with satisfaction* the decision of the Government of Burundi to restore its full cooperation with the Human Rights Council and the Office of the United Nations High Commissioner for Human Rights, including by extending full cooperation to its office in Bujumbura, and encourages the Government to cooperate fully with treaty bodies and to improve the working conditions of human rights defenders;

11. *Encourages* the Government of Burundi to cooperate with the regionally led mediation allowing for genuine and open inter-Burundian dialogue, to be convened without delay, involving all unarmed stakeholders, both inside and outside the country, who are convinced of the need for peaceful solutions and are prepared to work to that end, including the meaningful participation of women, in order to reach a consensual and nationally owned solution that would aim to preserve peace, strengthen democracy, ensure the enjoyment of human rights for all in Burundi and restore the prospects and capacity of Burundi for development;

12. *Calls upon* the Burundian authorities to ensure equitable political processes and create an open and safe space that could lead to the holding of free, fair, inclusive and transparent democratic elections in accordance with the Arusha Agreement and Constitution of Burundi;

13. *Welcomes and supports* the ongoing efforts made at the regional and subregional levels, including by the East African Community and the Peace and Security Commission of the African Union, to monitor the situation of human rights in Burundi and to contribute to its improvement;

14. *Also welcomes* the work of human rights observers in Burundi appointed by the African Union, and urges the Government of Burundi to sign without delay the memorandum of understanding with the African Union in order to enable human rights observers and military experts appointed by the African Union to operate fully in the country in fulfilment of the responsibilities provided for under their mandate, and calls upon the international community to give this mandate its full logistical and financial support;

15. *Emphasizes* the existence in Burundi of national, regional and international human rights monitoring mechanisms, including the Independent National Commission on Human Rights, the Ombudsman, the African Union human rights observers and the Office of the United Nations High Commissioner for Human Rights, and affirms the need to strengthen these mechanisms to enable Burundi to improve the situation of human rights and end human rights violations and abuses;

16. *Requests* the High Commissioner for Human Rights to appoint an expert to strengthen the work done by his office in Burundi in order to provide the Government of Burundi with the necessary technical assistance to improve the situation of human rights and combat impunity;

17. *Also requests* the High Commissioner for Human Rights to present an oral report to the Human Rights Council at the its thirty-seventh session, to participate in an interactive dialogue during its thirty-eighth session and to submit a written report at its thirty-ninth session;

18. *Urges* the Government of Burundi to cooperate fully with the expert from the Office of the High Commissioner for Human Rights, to authorize the expert to conduct visits to the country and to provide the expert with all the information necessary to fulfil his or her mandate;

19. *Decides* to remain seized of the matter.

United Nations A/HRC/36/L.34

General Assembly

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Human Rights Council
Thirty-sixth session
11–29 September 2017
Agenda item 10
Technical assistance and capacity-building

Tunisia:* draft resolution

36/... Technical assistance and capacity-building in the field of human rights in the Democratic Republic of the Congo

The Human Rights Council,

Reaffirming that all States have an obligation to promote and protect the human rights and fundamental freedoms enshrined in the Charter of the United Nations and the Universal Declaration of Human Rights, to discharge their obligations under the International Covenants on Human Rights and other relevant instruments to which they are parties, and to fulfil their obligations under those treaties and agreements,

Recalling General Assembly resolution 60/251 of 15 March 2006,

Recalling also Human Rights Council resolutions 5/1 of 18 June 2007, 7/20 of 27 March 2008 and S-8/1 of 1 December 2008,

Recalling further its resolutions 10/33 of 27 March 2009, 13/22 of 26 March 2010, 16/35 of 25 March 2011, 19/27 of 23 March 2012, 24/27 of 27 September 2013, 27/27 of 26 September 2014 and 30/26 of 2 October 2015, 33/29 of 30 September 2016 and 35/33 of 23 June 2017, in which the Human Rights Council called upon the international community to support the national efforts of the Democratic Republic of the Congo and its institutions with a view to improving the situation of human rights and to respond to its requests for technical assistance,

Taking note of the report of the United Nations High Commissioner for Human Rights, submitted to the Human Rights Council in accordance with its resolution 33/29, on the situation of human rights in the Democratic Republic of the Congo and the activities of the United Nations Joint Human Rights Office in the Democratic Republic of the Congo,[1]

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* On behalf of the States Members of the United Nations that are members of the Group of African States.

[1] A/HRC/36/34.

Welcoming the progress made by the Democratic Republic of the Congo in particular at the institutional and legislative levels with the adoption by the Senate of an act relating to the protection and responsibility of human rights defenders and the creation of an interministerial committee responsible for monitoring the implementation of the Convention on the Rights of Persons with Disabilities,

Deeply concerned about the continued violations of civil and political rights, particularly the freedoms of expression and peaceful assembly, committed by State actors in the context of important electoral events,

Deeply concerned also about the humanitarian consequences of the violence affecting civilian populations, particularly children and women, which have led to the internal displacement of more than 3.8 million people inside the country and 7.3 million people in need of humanitarian assistance,

Recognizing the important role of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo and the United Nations Joint Human Rights Office in the Democratic Republic of the Congo in documenting human rights violations and in improving the situation of human rights in the country,

Noting the efforts made in the region, in particular by the Southern African Development Community, the African Union, the International Conference on the Great Lakes Region and the Economic Community of Central African States aimed at contributing to peace and stability in the Democratic Republic of the Congo,

Noting with satisfaction the progress made in the fight against impunity for sexual violence and for access to justice for victims, including through the establishment by the Office of the Personal Representative of the Head of State tasked with fighting sexual violence and the recruitment of children, a helpline for victims of sexual violence that contributes to the fight against impunity, and the adoption by the Government of an plan of action for the national police to fight against sexual violence and to ensure the protection of children,

Noting the efforts of the Democratic Republic of the Congo to implement its commitments under the Peace, Security and Cooperation Framework for the Democratic Republic of the Congo and the Region, signed in Addis Ababa on 24 February 2013,

1. *Condemns unequivocally* the acts of violence committed in some areas of the country, and all the armed groups perpetrating them;

2. *Notes with satisfaction* the efforts made by the Government of the Democratic Republic of the Congo to bring perpetrators to justice, and welcomes the convictions already pronounced;

3. *Emphasizes* the individual responsibility of all stakeholders to act in strict compliance with the rule of law and human rights, and urges all stakeholders to reject all violence;

4. *Encourages* the Government of the Democratic Republic of the Congo to respect, protect and guarantee all human rights and fundamental freedoms for all, in accordance with the State's international obligations, and to respect the rule of law;

5. *Recalls* that the Government of the Democratic Republic of the Congo bears the primary responsibility to protect all civilians within its territory, and urges it to exercise maximum restraint and proportionate lawful use of force in its efforts to restore order, in accordance with international law;

6. *Reaffirms* its strong commitment to respect fully the principles of non-interference in the internal affairs of States, including the full respect of the sovereignty, independence, unity and territorial integrity of the Democratic Republic of the Congo;

7. *Encourages* the Government of the Democratic Republic of the Congo to intensify its efforts to put an end to violence on its territory, with the support of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo within its mandate;

8. *Also encourages* the Government to continue actively its efforts, with the support of the international community, to end impunity for the perpetrators of these grave violations of human rights and of international humanitarian law, and to ensure that victims of such crimes receive adequate reparations;

9. *Commends* the Government of the Democratic Republic of the Congo for the implementation of the political agreement of 31 December 2016;

10. *Welcomes* the efforts made by regional organizations, including the African Union and the Southern African Development Community, to defuse tension in the Democratic Republic of the Congo and to promote inclusive dialogue in the implementation of the political agreement of 31 December 2016;

11. *Noting* the decisions taken at the thirty-seventh ordinary summit of Heads of State and Government of the Southern African Development Community, held in Pretoria on 19 and 20 August 2017, on the situation in the Democratic Republic of the Congo and the communiqué of 23 August 2017 of the Peace and Security Council of the African Union, in which it, inter alia, underlined a number of problems that made the holding of elections in December 2017 unrealistic, and urged the Independent National Electoral Commission to publish a revised electoral calendar in consultation with the Government of the Democratic Republic of the Congo and the National Council for Oversight of the Agreement of 31 December 2016;

12. *Welcomes* the progress made by the Independent National Electoral Commission in the registration of almost 98 per cent of eligible voters, the logistical support afforded by the United Nations Organization Stabilization Mission in Congo in carrying out this exercise, and the initiation of the registration process of voters in the province of Central Kasai, which commenced on 4 September 2017;

13. *Urges* the Independent National Electoral Commission, in consultation with the National Council for Oversight of the Agreement and the Government of the Democratic Republic of the Congo, to objectively assess the entire election process in order to make public, as soon as possible, a realistic electoral calendar;

14. *Encourages* the Government of the Democratic Republic of the Congo to ensure that all citizens, regardless of their political affiliation, can participate freely in public affairs and that they fully enjoy their human rights and fundamental freedoms, in particular the freedoms of expression and peaceful assembly,

15. *Also encourages* the Government to ensure equitable political participation for all, and to create the conditions necessary for the holding of free, transparent, inclusive and peaceful elections without further delay, in particular in view of the legislative and presidential elections;

16. *Welcomes* the efforts made by the United Nations, the International Organization of la Francophonie and the European Union to ensure the credibility and the stabilization of the electoral roll;

17. *Also welcomes* the launch in Kananga on 19 September 2017 by President Joseph Kabila Kabange of a forum on peace, reconciliation and development of the Grand Kasai;

18. *Invites* the Government of the Democratic Republic of the Congo to improve and increase the participation of women in the political and administrative domains, and notes with appreciation the legislative measures already taken in the framework of the amendments to the Family Code and of the law on the parity of men and women;

19. *Welcomes* the establishment by the Government of the Democratic Republic of the Congo of an interministerial commission to monitor the implementation of the Convention on the Rights of Persons with Disabilities in the context of the implementation of its five-year (2016-2021) plan for the promotion and protection of the rights of disabled persons, adopted on 20 and 21 May 2016;

20. *Also welcomes* the enactment of a law, on 10 March 2017, amending the Code of Military Justice for the implementation of the Rome Statute, and notes the validation, in May 2017, of the plan of justice reform, prepared in accordance with the recommendations made at the conference convened in 2015 on the evaluation of justice sector reform;

21. *Encourages* the Government of the Democratic Republic of the Congo to afford better protection to all political actors, including that of civil society, journalists and human rights defenders, during the elections, and to guarantee respect for all human rights;

22. *Stresses* the importance of releasing all persons detained arbitrarily, including human rights defenders and persons of different political affiliations, of transferring detainees from the National Intelligence Agency to regular detention centres, granting unlimited access by the United Nations Joint Human Rights Office to centres under the responsibility of the Agency, and in this respect calls upon the Government of the Democratic Republic of the Congo to fulfil promptly its commitment to eliminate Agency detention facilities;

23. *Requests* all stakeholders in the electoral process to reject all forms of violence and to abstain from any discourse inciting racial, tribal or ethnic hatred;

24. *Calls upon* the Government and all relevant institutions of the Democratic Republic of the Congo to take all additional measures necessary to prevent all violations of international humanitarian law and abuses of human rights in the Democratic Republic of the Congo, and to conduct thorough investigations into all acts of violence and violations of international humanitarian law and abuses of human rights so that all perpetrators, whatever their affiliation, are brought to justice;

25. *Emphasizes* the individual responsibility of all stakeholders, including State officials, and leaders of the political parties of the government majority and the opposition, to act in strict compliance with the rule of law and human rights;

26. *Encourages* the Government of the Democratic Republic of the Congo to continue in its commitment to its cooperation with the Office of the United Nations High Commissioner for Human Rights, the United Nations Joint Human Rights Office, the Human Rights Council and its special procedures;

27. *Commends* the Democratic Republic of the Congo for the establishment and operationalization of the national human rights commission, in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles);

28. *Notes with appreciation* the progressive operationalization of the National Commission on Human Rights, welcomes the adoption of its five-year strategic plan and

the release of its first annual report, and calls upon the Government to ensure that the Commission is independent, including with regard to its funding, so as to ensure full compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles);

29. *Encourages* the Government of the Democratic Republic of the Congo to maintain and strengthen the momentum of the efforts made to reform the army, the police and the security services;

30. *Also encourages* the Government to maintain and strengthen its efforts to pursue the reform of the security sector and of the judicial system, including by establishing the remaining superior courts of appeal, and to reform and strengthen its penitentiary system;

31. *Further encourages* the Government to take appropriate measures to ensure the smooth functioning of all implementing agencies of human rights, including the human rights liaison unit, the national human rights commission, the interministerial committee on human rights, the national commission for the universal periodic review and the unit for the protection of human rights defenders;

32. *Welcomes* the appointment by the High Commissioner of Bacre Ndiaye, Luc Côté and Fatimata M'Baye as members of the team of international experts on the situation in the Kasai regions of the Democratic Republic of the Congo as mandated by the Human Rights Council in its resolution 35/33;

33. *Encourages* the Government to organize a forum on human rights, in particular on the impact of technical assistance by the international community to the Democratic Republic of the Congo;

34. *Requests* the Office of the High Commissioner to give an oral update on the situation of human rights in the Democratic Republic of the Congo to the Human Rights Council at its thirty-seventh and thirty-eighth sessions, in an enhanced interactive dialogue;

35. *Also requests* the Office of the High Commissioner to prepare a comprehensive report on the situation of human rights in the Democratic Republic of the Congo, including in the context of the electoral process, and to present it to the Human Rights Council at its thirty-ninth session in an enhanced interactive dialogue;

36. *Decides* to remain seized of the situation until its thirty-ninth session.

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Human Rights Council
Thirty-sixth session
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Agenda item 10
Technical assistance and capacity-building

Tunisia:* draft resolution

36/... Technical assistance and capacity-building in the field of human rights in the Democratic Republic of the Congo

The Human Rights Council,

Reaffirming that all States have an obligation to promote and protect the human rights and fundamental freedoms enshrined in the Charter of the United Nations and the Universal Declaration of Human Rights, to discharge their obligations under the International Covenants on Human Rights and other relevant instruments to which they are parties, and to fulfil their obligations under those treaties and agreements,

Recalling General Assembly resolution 60/251 of 15 March 2006,

Recalling also Human Rights Council resolutions 5/1 of 18 June 2007, 7/20 of 27 March 2008 and S-8/1 of 1 December 2008,

Recalling further its resolutions 10/33 of 27 March 2009, 13/22 of 26 March 2010, 16/35 of 25 March 2011, 19/27 of 23 March 2012, 24/27 of 27 September 2013, 27/27 of 26 September 2014 and 30/26 of 2 October 2015, 33/29 of 30 September 2016 and 35/33 of 23 June 2017, in which the Human Rights Council called upon the international community to support the national efforts of the Democratic Republic of the Congo and its institutions with a view to improving the situation of human rights and to respond to its requests for technical assistance,

Taking note of the report of the United Nations High Commissioner for Human Rights, submitted to the Human Rights Council in accordance with its resolution 33/29, on the situation of human rights in the Democratic Republic of the Congo and the activities of the United Nations Joint Human Rights Office in the Democratic Republic of the Congo,[1]

* On behalf of the States Members of the United Nations that are members of the Group of African States.

[1] A/HRC/36/34.

Welcoming the progress made by the Democratic Republic of the Congo in particular at the institutional and legislative levels with the adoption by the Senate of an act relating to the protection and responsibility of human rights defenders and the creation of an interministerial committee responsible for monitoring the implementation of the Convention on the Rights of Persons with Disabilities,

Deeply concerned about the continued violations of civil and political rights, particularly the freedoms of expression and peaceful assembly, committed by State actors in the context of important electoral events,

Deeply concerned also about the humanitarian consequences of the violence affecting civilian populations, particularly children and women, which have led to the internal displacement of more than 3.8 million people inside the country and 7.3 million people in need of humanitarian assistance,

Recognizing the important role of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo and the United Nations Joint Human Rights Office in the Democratic Republic of the Congo in documenting human rights violations and abuses, in improving the situation of human rights in the country,

Noting the efforts made in the region, in particular by the Southern African Development Community, the African Union, the International Conference on the Great Lakes Region and the Economic Community of Central African States aimed at contributing to peace and stability in the Democratic Republic of the Congo,

Noting the progress made in the fight against impunity for sexual violence and for access to justice for victims, including through the establishment by the Office of the Personal Representative of the Head of State tasked with fighting sexual violence and the recruitment of children, a helpline for victims of sexual violence that contributes to the fight against impunity, and the adoption by the Government of an plan of action for the national police to fight against sexual violence and to ensure the protection of children,

Noting the efforts of the Democratic Republic of the Congo to implement its commitments under the Peace, Security and Cooperation Framework for the Democratic Republic of the Congo and the Region, signed in Addis Ababa on 24 February 2013,

1. *Condemns unequivocally* the acts of violence committed in some areas of the country, and all those perpetrating them;

2. *Notes with satisfaction* the efforts made by the Government of the Democratic Republic of the Congo to bring perpetrators to justice, and welcomes the convictions already pronounced;

3. *Emphasizes* the individual responsibility of all stakeholders to act in strict compliance with the rule of law and human rights, and urges all stakeholders to reject all violence;

4. *Encourages* the Government of the Democratic Republic of the Congo to respect, protect and guarantee all human rights and fundamental freedoms for all, in accordance with the State's international obligations, and to respect the rule of law;

5. *Recalls* that the Government of the Democratic Republic of the Congo bears the primary responsibility to protect all civilians within its territory, and urges it to exercise maximum restraint and proportionate lawful use of force in its efforts to restore order, in accordance with international law;

6. *Reaffirms* its strong commitment to respect fully the principles of non-interference in the internal affairs of States, including the full respect of the sovereignty, independence, unity and territorial integrity of the Democratic Republic of the Congo;

7. *Encourages* the Government of the Democratic Republic of the Congo to intensify its efforts to put an end to violence on its territory, with the support of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo within its mandate and to cooperate fully with the Group of Experts on the Democratic Republic of the Congo, established by the Security Council under its resolution 1533 (2004) of 12 March 2004, including complete and unhindered access to the country;

8. *Also encourages* the Government to continue actively its efforts, with the support of the international community, to end impunity for the perpetrators of these grave violations and abuses of human rights, and violations of international humanitarian law, and to ensure that victims of such abuses and violations and related crimes receive adequate reparations;

9. *Welcomes* the efforts made by regional organizations, including the African Union and the Southern African Development Community, to defuse tension in the Democratic Republic of the Congo and to promote inclusive dialogue in the implementation of the political agreement of 31 December 2016;

10. *Underlines* the centrality of the agreement of 31 December 2016 and the necessity of its full implementation, to pave the way for the timely holding of free, fair, peaceful and credible elections in the Democratic Republic of the Congo, and urges Congolese stakeholders to redouble their efforts to prepare for the timely holding of free, fair, peaceful and credible presidential and legislative elections, in accordance with the provisions of the agreement of 31 December 2016, and in parallel to take additional confidence-building measures, in accordance with the agreement, in order to create an environment conducive to the successful conclusion of the electoral process;

11. *Welcomes* the progress made by the Independent National Electoral Commission in the registration of almost 90 per cent of eligible voters, the logistical support afforded by the United Nations Organization Stabilization Mission in Congo in carrying out this exercise, and the initiation of the registration process of voters in the province of Central Kasai, which commenced on 4 September 2017;

12. *Urges* the Independent National Electoral Commission, in consultation with the National Council for Oversight of the Agreement and the Government of the Democratic Republic of the Congo, to objectively assess the entire election process in order to make public, as soon as possible, a realistic electoral calendar;

13. *Encourages* the Government of the Democratic Republic of the Congo to ensure that all citizens, regardless of their political affiliations, can participate freely in public affairs and that they fully enjoy their human rights and fundamental freedoms, in particular the freedoms of expression and peaceful assembly;

14. *Also encourages* the Government to ensure equitable political participation for all, and to create the conditions necessary for the holding of free, transparent, inclusive and peaceful elections without further delay, in particular in view of the legislative and presidential elections;

15. *Welcomes* the efforts made by the United Nations, the International Organization of la Francophonie and the European Union to ensure the credibility and the stabilization of the electoral roll;

16. *Also welcomes* the launch in Kananga on 19 September 2017 by President Joseph Kabila Kabange of a forum on peace, reconciliation and development of the Grand Kasai;

17. *Invites* the Government of the Democratic Republic of the Congo to improve and increase the participation of women in the political and administrative domains, and

notes with appreciation the legislative measures already taken in the framework of the amendments to the Family Code and of the law on the parity of men and women;

18. *Welcomes* the establishment by the Government of the Democratic Republic of the Congo of an interministerial commission to monitor the implementation of the Convention on the Rights of Persons with Disabilities in the context of the implementation of its five-year (2016-2021) plan for the promotion and protection of the rights of disabled persons, adopted on 20 and 21 May 2016;

19. *Also welcomes* the enactment of a law, on 10 March 2017, amending the Code of Military Justice for the implementation of the Rome Statute, and notes the validation, in May 2017, of the plan of justice reform, prepared in accordance with the recommendations made at the conference convened in 2015 on the evaluation of justice sector reform;

20. *Encourages* the Government of the Democratic Republic of the Congo to provide greater protection for all political actors, members of civil society, journalists and human rights defenders during elections, and to ensure respect for all human rights;

21. *Stresses* the importance of releasing all persons detained arbitrarily, including human rights defenders and persons of different political affiliations, of transferring detainees from the National Intelligence Agency to regular detention centres, granting unlimited access by the United Nations Joint Human Rights Office to centres under the responsibility of the Agency, and in this respect calls upon the Government of the Democratic Republic of the Congo to fulfil promptly its commitment to eliminate Agency detention facilities;

22. *Requests* all stakeholders in the electoral process to reject all forms of violence and to abstain from any discourse inciting racial, tribal or ethnic hatred;

23. *Calls upon* the Government and all relevant institutions of the Democratic Republic of the Congo to take all additional measures necessary to prevent all violations of international humanitarian law and violations and abuses of human rights in the Democratic Republic of the Congo, and to conduct thorough investigations into all acts of violence and violations of international humanitarian law and violations and abuses of human rights so that all perpetrators, whatever their affiliation, are brought to justice;

24. *Emphasizes* the individual responsibility of all stakeholders, including State officials, and leaders of the political parties of the government majority and the opposition, to act in strict compliance with the rule of law and human rights;

25. *Encourages* the Government of the Democratic Republic of the Congo to continue in its commitment to its cooperation with the Office of the United Nations High Commissioner for Human Rights, the United Nations Joint Human Rights Office, the Human Rights Council and its special procedures;

26. *Commends* the Democratic Republic of the Congo for the establishment and operationalization of the national human rights commission, in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles);

27. *Notes with appreciation* the progressive operationalization of the National Commission on Human Rights, welcomes the adoption of its five-year strategic plan and the release of its first annual report, and calls upon the Government to ensure that the Commission is independent, including with regard to its funding, so as to ensure full compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles);

28. *Encourages* the Government of the Democratic Republic of the Congo to maintain and strengthen the momentum of the efforts made to reform the army, the police and the security services;

29. *Also encourages* the Government to maintain and strengthen its efforts to pursue the reform of the security sector and of the judicial system, including by establishing the remaining superior courts of appeal, and to reform and strengthen its penitentiary system;

30. *Further encourages* the Government to take appropriate measures to ensure the smooth functioning of all implementing agencies of human rights, including the human rights liaison unit, the national human rights commission, the interministerial committee on human rights, the national commission for the universal periodic review and the unit for the protection of human rights defenders;

31. *Welcomes* the appointment by the High Commissioner of Bacre Ndiaye, Luc Côté and Fatimata M'Baye as members of the team of international experts on the situation in the Kasai regions of the Democratic Republic of the Congo as mandated by the Human Rights Council in its resolution 35/33;

32. *Encourages* the Government to organize a forum on human rights, in particular on the impact of technical assistance by the international community to the Democratic Republic of the Congo;

33. *Requests* the Office of the High Commissioner to give an oral update on the situation of human rights in the Democratic Republic of the Congo to the Human Rights Council at its thirty-seventh and thirty-eighth sessions, in an enhanced interactive dialogue;

34. *Also requests* the Office of the High Commissioner to prepare a comprehensive report on the situation of human rights in the Democratic Republic of the Congo, including in the context of the electoral process, and to present it to the Human Rights Council at its thirty-ninth session in an enhanced interactive dialogue;

35. *Decides* to remain seized of the situation until its thirty-ninth session.